

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

STEPHEN MULLICAN AND)	
KELLEY MULLICAN,)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-23-160-G
)	
STATE FARM FIRE AND)	
CASUALTY COMPANY,)	
)	
Defendant.)	

**DEFENDANT’S UNOPPOSED MOTION TO RESCHEDULE
STATUS AND SCHEDULING CONFERENCE**

Pursuant to Local Civil Rules 16.1(a)(3) and 16.1(b)(3), Defendant State Farm Fire and Casualty Company respectfully requests that the Court reschedule the telephonic status/scheduling conference currently set for May 3, 2023, at 11:00 a.m. for a later time on the same day. In support of its request, Defendant states as follows:

1. This action is a dispute between insurer and insured, with Plaintiffs asserting claims for breach of contract and for breach of the duty of good faith and fair dealing (i.e., a “bad faith” claim), which Defendant denies. *See* Pet., ECF No. 1-1.

2. The Court’s Status and Scheduling Conference Docket Order [ECF No. 9] requires attendance by lead trial counsel at the forthcoming status/scheduling conference.

3. Defendant’s lead trial counsel, Andrew Morris, has a case set for argument before an Oklahoma Supreme Court referee at the same time that the status/scheduling conference is currently set in this case. *See State Farm Fire & Cas. Co. v. Nigh*, No. PR-121,205 (Okla.) (setting the oral presentation to the referee for May 3, 2023, beginning at

10:30 a.m.). Defendant's co-counsel, Jessica Dickerson, is likewise unavailable when the status/scheduling conference is currently set to occur.

4. Defendant's counsel has conferred with Plaintiffs' counsel and is authorized to state that Plaintiffs' counsel does not oppose Defendant's counsel's request that the status/scheduling conference be rescheduled for a later time on May 3, 2023. Both Defendant's lead trial counsel and Plaintiffs' lead trial counsel, Terry McKeever, are available on May 3, 2023, from 1:00 to 2:30 p.m., if the Court has availability during that period and the Court is willing to reschedule the status/scheduling conference from when it currently is set. Plaintiffs' counsel is scheduled for a pretrial conference later in the afternoon on May 3, 2023.

5. Defendant's undersigned counsel respectfully and sincerely thanks the Court for considering the instant request to alleviate the scheduling conflict in Defendant's schedule.

6. A proposed order granting the relief requested herein is being submitted contemporaneously.

7. To the extent this motion is considered a request for extension of time and Local Civil Rule 7.1(h) governs, Defendant states that (i) the status/scheduling conference currently is set for May 3, 2023 (*see* Status and Scheduling Conference Docket, ECF No. 9); (ii) no prior motions for extensions of time have been filed in this action; (iii) the reasons for the requested extension are those stated *supra*; (iv) neither Plaintiffs nor Defendant objects to the requested extension; (v) no trial date or other deadlines have been

set in this action, so they will not be impacted, and (vi) the precise relief requested is stated *infra*.

RELIEF REQUESTED

Defendant respectfully requests that the Court reschedule the telephonic status/scheduling conference set for May 3, 2023, at 11:00 a.m. for a time between 1:00 and 2:30 p.m. on the same day.

Respectfully submitted,

s/ Andrew J. Morris

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